

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 18 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 13-90064

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a district judge showed bias during the prisoner's criminal trial. Adverse rulings, without more, do not prove bias. In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011). Because there is no evidence of misconduct, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge made erroneous rulings in his criminal case and thus should have recused himself from his habeas case. These charges are also dismissed as merits-related. See 28 U.S.C. 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(B).

Complainant asks to be released and have his conviction vacated immediately due to the judge's alleged misconduct. Even if misconduct had occurred, complainant's request is not a form of relief available through this complaint procedure, as complainant acknowledged in writing in his complaint.

See also 28 U.S.C. § 354(a)(2).

DISMISSED.